

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRADLEY ACALEY, individually and on)	
behalf of all others similarly situated,)	
)	Case No. 19 cv 7164
Plaintiff,)	
)	Honorable Matthew F. Kennelly
v.)	
)	Honorable Sidney I. Schenkier
VIMEO, INC.,)	Magistrate Judge
)	
Defendant.)	

**DEFENDANT’S MOTION TO ADJOURN RULE 26(a)(1) INITIAL
DISCLOSURE DEADLINE**

Defendant Vimeo, Inc. (“Vimeo”), by and through its attorneys, respectfully requests that this Court adjourn the deadline for the parties to submit their Rule 26(a)(1) initial disclosures until after the Court rules on Vimeo’s Motion to Compel Arbitration and Stay Proceedings. In the alternative, Vimeo requests a 30-day extension of this deadline. In support thereof, Vimeo states as follows:

1. The Court should adjourn the deadline for the parties’ Rule 26(a)(1) initial disclosures pending a decision on Vimeo’s Motion to Compel Arbitration because initial disclosures will be unnecessary if the Court grants the motion. Such an order would not delay these proceedings or prejudice either party and could avoid unnecessary expense because both parties will avoid unnecessary initial disclosures if the case is ordered to arbitration.

2. This case was removed from Illinois state court on October 31, 2019. Vimeo filed its Motion to Compel arbitration on December 20, 2019. No discovery has yet taken place. The parties' initial disclosures under Rule 26(a)(1) are currently due on January 6, 2020. *See* Fed. R. Civ. P. 26(a)(1)(C) (providing that a party "must make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or court order or unless a party objects"). No prior request to extend this deadline has previously been made.

3. Relief from the obligations imposed by Rule 26(a)(1) pending the Court's resolution of Vimeo's Motion to Compel Arbitration would promote efficiency of these proceedings and would not prejudice either party. *See, e.g., Passmore v. SSC Kerrville Hilltop Vill. Operating Co.*, 2018 WL 6050602, at *2 (W.D. Tex. Nov. 19, 2018) (staying all discovery pending ruling on defendants' motion to compel arbitration); *Bailey v. AffinityLifeStyles.com, Inc.*, 2017 WL 10378319, at *3 (D. Nev. June 28, 2017) (staying discovery pending ruling on motion to compel arbitration given "the importance of resolving the question of arbitration while preserving its key advantages—speed and economy"); *Judson v. OneBeacon Am. Ins. Co.*, 2011 WL 1557889, at *1 (S.D. Ga. Apr. 25, 2011) (staying discovery where "upon brief review, defendant's motion to compel arbitration does not appear to be meritless on its face"); *Ross v. Bank of Am., N.A. (USA)*, 2006 WL 36909, at *1 (S.D.N.Y. Jan. 6, 2006) ("In view of the threshold issues concerning arbitration, this Court concludes that a stay of discovery is appropriate."). Indeed, this Court recently stayed the parties' initial disclosure obligations while a motion to compel arbitration was pending in another putative class action. *Gorny v. Wayfair, Inc.*, No. 1:18-cv-8259 (N.D. Ill. Mar. 5, 2019).

4. In the alternative, Vimeo respectfully requests a 30-day extension of the initial disclosure deadline.

5. The parties, through their attorneys, have conferred regarding the request set forth herein. Plaintiff's counsel objects to Vimeo's request to adjourn the deadline for the parties' Rule 26(a)(1) initial disclosures until after the Motion to Compel Arbitration is resolved.

WHEREFORE, for the foregoing reasons, Vimeo respectfully requests that this Court adjourn the deadline for the parties to make their Rule 26(a)(1) initial disclosures pending resolution of Vimeo's Motion to Compel Arbitration or, in the alternative, extend such deadline by 30 days.

Dated: December 30, 2019

Respectfully submitted,

VIMEO, INC.

By: /s/ Joel Griswold

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2019 the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Joel Griswold
Joel Griswold